

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

INNER-TITE CORP.,  
Plaintiff

v.

DEWALCH TECHNOLOGIES, INC.  
Defendant.

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CASE NO. No. 04-40219 FDS

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Defendant DeWalch Technologies, Inc. ("DeWalch") hereby moves for summary judgment of non-infringement of U.S. Patent No. 6,763,691 pursuant to Fed. R. Civ. P. 56(b).

In support of the motion, defendant submits the following:

1. DEFENDANT'S MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT;
2. DECLARATION OF BINZ DEWALCH (filed under seal) with attached exhibits 1-8; and
3. NOTICE OF FILING WITH THE CLERK'S OFFICE OF PHYSICAL EXHIBITS 9-11 TO THE DECLARATION OF BINZ DEWALCH.

REQUEST FOR ORAL ARGUMENT

Defendant understands that oral argument in this case has been scheduled for July 26, 2006.

For the reasons set forth in the accompanying documents, DeWalch requests that the Court grant defendant's motion for summary judgment.

Respectfully submitted,

DEWALCH TECHNOLOGIES, INC.  
By its attorneys,

/s/ Denise W. DeFranco

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Dated: May 19, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document has been served upon the attorney of record for the other party by hand on May 19, 2006.

Mr. Maurice E. Gauthier  
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/s/ Denise W. DeFranco

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Denise W. DeFranco